

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

**CELLEBRITE MOBILE
SYNCHRONIZATION LTD., and
CELLEBRITE USA, INC.**

Plaintiffs,

v.

**MICRO SYSTEMATION AB, and
MSAB, INC.,**

Defendants.

Civil Action No. 13-CV-1014 (TSE/TRJ)

**FOURTH EXPERT DECLARATION OF
ROBERT ZEIDMAN AMENDED**

**DECLARATION IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL SOURCE
CODE DISCOVERY FROM DEFENDANTS**

Table of Contents

I. Relevant Background..... 1

II. Specific Versions of Source Code 1

III. Significance of Ancillary Files 4

IV. Specific Files..... 5

V. Irrelevance of Source Code Unrelated to Alleged Infringement 5

VI. Conclusion 6

I, Robert Zeidman, provide the following expert disclosures.

I. RELEVANT BACKGROUND

1. I have personally consulted on over 125 intellectual property litigations and have written a book entitled *The Software IP Detective's Handbook: Measurement, Comparison, and Infringement Detection*, considered by many to be the seminar book in the field of software forensics. I have created the CodeSuite® set of software tools for comparing software code to find IP infringement, and I train other experts on these tools and methodologies for examining software code to find infringement. These tools, and the methodologies I have developed, allow a trained forensic software analyst to examine many megabytes of source code and object code in only a fraction of the time it would otherwise take. My team and I have exhaustively examined hundreds of megabytes of code, in over 65 cases, for evidence of copying and misappropriation in timeframes measured in days, even though other experts in the field had claimed it was an impossible task. We have found evidence of copying and misappropriation that other experts have missed, and we have also shown the absence of copying and misappropriation when other teams of experts could not come to a definitive conclusion.

II. SPECIFIC VERSIONS OF SOURCE CODE

2. MSAB has made it clear that it would be very burdensome to turn over their source code repository of the files at issues, so I will instead request multiple versions of the relevant source code. I need these multiple versions so that I can understand not just when code was integrated into the project, but to understand the evolution of the project to look for behavior that would suggest copying of code rather than development of code over time. I am requesting source code from MSAB from shortly before Cellebrite released its solution, to determine whether MSAB had certain functionality before Cellebrite released that same functionality in their solution. I am also requesting source code from regular intervals after Cellebrite released their solution, to see when and how MSAB added similar functionality

to their own code. I am also requesting source code from MSAB of the first released version of their allegedly infringing solution, and I am requesting the source code of the latest released version of MSAB's solution to see what functionality remains in their code today. Note that this source code request pertains only to the code relating to the functionality at issue, and all ancillary files relating to this source code, including specifically those source code files needed to build the files requested in Plaintiffs' First Request For Production Of Documents To Defendants dated September 16, 2013.

3. The specific versions of these source code files and ancillary files that I am asking for are:
 - 1) A version of MSAB source code for MSAB's Samsung solution from April 2011, before the March 2011 release of Samsung Physical by Cellebrite in UFED 2.0.
 - 2) A version of MSAB source code for MSAB's Samsung solution from May 2011, two months after March 2011, the date of the release of Samsung Physical by Cellebrite in UFED 2.0.
 - 3) A version of MSAB source code for MSAB's Samsung solution from July 2011, four months after March 2011, the date of the release of Samsung Physical by Cellebrite in UFED 2.0.
 - 4) A version of MSAB source code for MSAB's Samsung solution from September 2011, six months after March 2011, the date of the release of Samsung Physical by Cellebrite in UFED 2.0.
 - 5) A version of MSAB source code for MSAB's Samsung solution from November 2011, eight months after March 2011, the date of the release of Samsung Physical by Cellebrite in UFED 2.0.
 - 6) A version of MSAB source code for MSAB's Samsung solution from January 2012, ten months after March 2011, the date of the release of Samsung Physical by Cellebrite in UFED 2.0.
 - 7) A version of MSAB source code for MSAB's BlackBerry solution from

December 2011, before the January 2012 release of BlackBerry Physical by Cellebrite in UFED ver. 1.1.9.0.

- 8) A version of MSAB source code for MSAB's BlackBerry solution from March 2012, two months after January 2012, the date of the release of BlackBerry Physical by Cellebrite UFED ver. 1.1.9.0.
- 9) A version of MSAB source code for MSAB's BlackBerry solution from May 2012, four months after January 2012, the date of the release of BlackBerry Physical by Cellebrite UFED ver. 1.1.9.0.
- 10) A version of MSAB source code for MSAB's BlackBerry solution from July 2012, six months after January 2012, the date of the release of BlackBerry Physical by Cellebrite UFED ver. 1.1.9.0.
- 11) A version of MSAB source code for MSAB's BlackBerry solution from September 2012, eight months after January 2012, the date of the release of BlackBerry Physical by Cellebrite UFED ver. 1.1.9.0.
- 12) A version of MSAB source code for MSAB's BlackBerry solution from November 2012, ten months after January 2012, the date of the release of BlackBerry Physical by Cellebrite UFED ver. 1.1.9.0.
- 13) A version of MSAB source code for MSAB's Samsung Android solution from April 2012, before the May 2012 date of the release of Cellebrite UFED ver. 1197 for data extraction of Samsung Android devices.
- 14) A version of MSAB source code for MSAB's Samsung Android solution from July 2012, two months after May 2012, the date of the release of Cellebrite UFED ver. 1197 for data extraction of Samsung Android devices.
- 15) A version of MSAB source code for MSAB's Samsung Android solution from September 2012, four months after May 2012, the date of the release of Cellebrite UFED ver. 1197 for data extraction of Samsung Android devices.
- 16) A version of MSAB source code for MSAB's Samsung Android solution from

November 2012, six months after May 2012, the date of the release of Cellebrite UFED ver. 1197 for data extraction of Samsung Android devices.

17) A version of MSAB source code for MSAB's Samsung Android solution from January 2013, eight months after May 2012, the date of the release of Cellebrite UFED ver. 1197 for data extraction of Samsung Android devices.

18) A version of MSAB source code for MSAB's Samsung Android solution from March 2013, ten months after May 2012, the date of the release of Cellebrite UFED ver. 1197 for data extraction of Samsung Android devices.

19) The release version of MSAB source code for MSAB's Samsung solution from May 2012, the date of the release of XRY version 6.3 containing Samsung Physical by MSAB.

20) The release version of MSAB source code for MSAB's BlackBerry solution from November 2012, the date of the release of XRY version 6.4.1 containing BlackBerry Physical by MSAB.

21) The release version of MSAB source for MSAB's Samsung Android solution code from June 2013, the date of the release of MSAB XRY 6.6 software containing Samsung Android solution.

22) The release version of MSAB source code for MSAB's three additional Samsung Android solutions from September 2013, the date of the release MSAB XRY 6.7 adding three additional Samsung Android Models.

23) The latest release version of MSAB source code for MSAB's Samsung, BlackBerry, and all Samsung Android solutions.

III. SIGNIFICANCE OF ANCILLARY FILES

4. Ancillary files such as project files, make files, header files, and configuration files provide information about how the software is built and indicate whether all of the files have been provided. In my experience there have been times when some critical files containing

infringing code have been left out, whether inadvertently or purposely, and I could only discover this by examining the ancillary files that reference files that were missing from the software code production. It is typical in my investigations to get these ancillary files in the source code repository. Only if the company did not use a version control system, would I instead obtain multiple versions of the relevant ancillary files from dates at least immediately before the alleged infringement, immediately after the alleged infringement, the first released version after the alleged infringement, and the latest released version.

IV. SPECIFIC FILES

5. In particular, the source code files and ancillary files that I need from MSAB are those that specifically relate to their solutions for Samsung, BlackBerry, and Samsung Android. Because these are the files that contain code that allegedly contain misappropriated code, these are the only files I need to examine. Note that this request includes those source code files needed to build the files requested in Plaintiffs' First Request For Production Of Documents To Defendants dated September 16, 2013.

V. IRRELEVANCE OF SOURCE CODE UNRELATED TO ALLEGED INFRINGEMENT

6. In my opinion, it is completely unnecessary for MSAB's experts to see software source code that is not at issue in this litigation. It is my understanding that the percentage of lines of code is irrelevant to any infringement case. Copyright and trade secret infringement rests on the significance of the code, not the number of lines of code. The number of lines of code is independent from the significance. A small routine that has important functionality or is expressed in a particularly creative way can be critical to a company and important to protect even though the number of lines of code may be small.
7. The entire UFED source code sought by Defendants contains over 13 years of proprietary developments, which contains the code for UFED, as well as the code for Cellebrite's UME

consumer products, which are not at issue in this case. I understand that the Plaintiffs have already disclosed the source code for the Samsung Solution and the BlackBerry Solution, which are the basis for Plaintiffs claims of copying against the Defendants. I have been told that Plaintiffs will also produce the source code for the Samsung Android Solution and the Windows Mobile Solution, which relate to Plaintiffs' Amended Complaint and Defendants' counterclaims.

8. Thus, I believe that MSAB's request for the entire UFED code is unwarranted given that most of that code is not at issue in this case.

VI. CONCLUSION

9. I believe that MSAB should be required to turn over the specific versions of the relevant software source code and ancillary files that I have requested. I believe that Cellebrite should not be required to turn over software code or other files that are not relevant to the issues in this case.

Dated: November 27, 2013



Robert Zeidman